

NOV 22 2004

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: DuWayne C. Radke et al. Examiner: Christy Marie Green  
Serial No.: 09/904,124 Group Art Unit: 3635  
Filed: July 12, 2001 Docket No.: M120.199.101 (56908US002)  
Due Date: November 22, 2004  
Title: PASS-THROUGH FIRESTOP DEVICE

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE BOARD OF  
PATENT APPEALS AND INTERFERENCES (37 C.F.R. §1.191)**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the examiner dated September 22, 2004. The fee for this Notice of Appeal, under 37.C.F.R. 1.17(b) is \$340.00.

The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136(a) apply.

☐ (a) Applicant petitions for an extension-of-time under 37 C.F.R. 1.136 for the total number of months checked below:

- ☐ one month (\$55.00/\$110.00)  
☐ two months (\$205.00/\$410.00)  
☐ three months (\$465.00/\$930.00)  
☐ four months (\$725.00/\$1,450.00)

☐ The extension-of-time fee has already been filed in this application.

☒ (b) Applicant believes that no extension-of-time is required. However, this conditional petition is being made to provide for the possibility that Applicants

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have inadvertently overlooked the need for a petition and fee for extension-of-time.

Respectfully submitted,

DuWayne C. Radke et al.,

By their attorneys,

DICKE, BILLIG &amp; CZAJA, PLLC

Fifth Street Towers

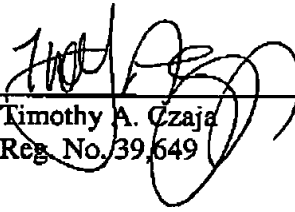
100 South Fifth Street

Minneapolis, MN 55402

Telephone: (612) 573-2004

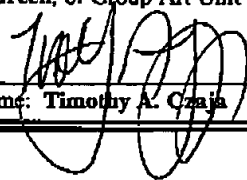
Facsimile: (612) 573-2005

Date: November 23, 2004  
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Timothy A. Czaja  
Reg. No. 39,649

**CERTIFICATE UNDER 37 C.F.R. 1.8:**

The undersigned hereby certifies that this paper or papers, as described herein, are being transmitted via telefacsimile to the U.S. Patent and Trademark Office, Attn.: Examiner Green, of Group Art Unit 3635, and Fax No. (703) 872-9306 on this 22<sup>nd</sup> day of November, 2004.

By   
\_\_\_\_\_  
Name: Timothy A. Czaja